U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 7, 2017

BY ECF and E-MAIL
The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States* v. *Jesse Rivera, et al.*, S4 15 Cr. 877 (PAE)

Dear Judge Engelmayer:

As the Court is aware, counsel for defendant Jesse Rivera had previously indicated her intent to file a motion to sever Rivera's trial from that of his co-defendant, Juan Mendez, based on potential *Bruton* issues presented by Mendez's post-arrest statement. That motion is due on March 8, 2017. The Government expects that Mendez will be pleading guilty on March 16, 2017, which would moot the severance motion. In addition, the Government has indicated to defense counsel that, in the event Mendez does not plead guilty, the Government will consent to severance of the two defendants for the purpose of trial. Accordingly, the Government expects that no severance motion will be filed.

Respectfully submitted,

PREET BHARARA
United States Attorney

by: ______________________________
Thomas McKay
Assistant United States Attorney
(212) 637-2268

cc: Susan Marcus, Esq.
Roberto Finzi, Esq.